IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

Bail Appl..No. 5693 of 2007()

CRIME NO. 363/2007 OF ARANMULA POLICE STATION

PETITIONERS

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1. BIJU K.MATHEW,AGED 27,KANNANKARA VEEDU, KUZHIKKALA P.O.

2. K.M.PAPPACHAN @ MATHAI THOMAS, RESIDING AT DO- DO-

3. ALIAMMA PAPPACHAN,AGED 56, RESIDING AT -DO-

BY ADV. SRI.P.HARIDAS

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA.

2. SUB INSPECTOR OF POLICE,ARANMULA.

BY PUBLIC PROSECUTOR ADV.SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No. 5693 of 2007

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Dated this the 19th day of September, 2007

ORDER

Application for anticipatory bail. There are three petitioners. The learned Public Prosecutor submits that the petitioners 2 and 3 have already been deleted from the array of accused. Their prayer for anticipatory bail can hence be dismissed as unnecessary.

2. The 1st petitioner is the husband of the de facto complainant. Marriage took place on 13.7.06. There is strain in the matrimony. Crime has been registered on the basis of a private complaint filed by the de facto complainant before the learned Magistrate and referred by the learned Magistrate to the Police under Sec.156(3) Cr.P.C. Investigation is in progress. The petitioner apprehends imminent arrest.

3. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied the petitioner can now be granted anticipatory bail. In coming to the conclusion, I take note of the fact that the arrest and incarceration of the petitioners is likely to mar the matrimonial tie beyond repair. Appropriate conditions can of course be imposed in

the interests of a fair, efficient and proper investigation. The learned Public Prosecutor submits that the de facto complainant has not suffered any injuries on account of the alleged cruelty.

4. In the result this petition is allowed. The following directions are issued under Sec.438 Cr.P.C in favour of the 1st petitioner.

i) Petitioner shall surrender before the learned Magistrate having jurisdiction on 26.09.2007.

ii) He shall be released on regular bail on condition that he executes a bond for Rs.25,000/-(Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 1 p.m on 27.09.07 and 28.09.07 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of one month. Subsequently the petitioner shall so appear as and when directed by the investigating officer in writing to do so.

(iv) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest

the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(v) If he were arrested prior to 26.09.2007, he shall be released on bail on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 26.09.07.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE